IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE THIRTIETH DAY OF DECEMBER, TWO THOUSAND AND THREE
: PRESENT :
THE HON'BLE MR. JUSTICE: A. GOPAL REDDY

W.P. No. 27125 of 2003

Between:

G.M.K. Arya, S/o. Late G.R.K. Arya,
R/o. 11-49-348, Gopal Nivas,
Sivalayam Street, Vijayawada
Petitioner
AND

Municipal Corporation of Vijayawada,
Rep. by its Commissioner,
Vijayawada
Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of a Writ of Mandamus declaring the notice R.C. No. G.2-42120/2003 dated 25-12-2003 of the Respondent as illegal, malafide, arbitrary and violative of Article 14 and 300 A of the Constitution of India and consequently restrain the respondent from demolishing the premises bearing No. R/o. 11-49-348, Gopal Nivas, Sivalayam Street, Vijayawada belonging to the petitioner.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. M. Krishna Mohan Rao, Advocate for the Petitioner, this court on this day directed that an Advocate Commissioner be appointed to visit the house bearing No. 11-49-348, Gopal Nivas, Sivalayam Street, Vijayawada belonging to the petitioner and submit a report with regard to age of the building and the constructions made of recent origin in front of the premises, if any, as per the old sanctioned plan available with the Municipality, after due notice to the parties

Therefore you namely

Mr. T. Jagan Mohan, Advocate,
Bar Association, High Court of AP,
Hyderabad

are hereby appointed as an Advocate Commissioner for this purpose and you are directed to visit the house bearing No. 11-49-348, Gopal Nivas, Sivalayam Street, Vijayawada belonging to the petitioner and submit a report with regard to age of the building and the constructions made of recent origin in front of the premises, if any, as per the old sanctioned plan available with the Municipality, after due notice to the parties.
And you are further directed that you shall visit the premises on Saturday i.e. on 3-1-2004 and submit your report on Monday i.e. on 5-1-2004.

You are informed that the counsel for the petitioner shall intimate the same to his party. And it is to inform you that the court ordered stay of demolition till 6-1-2004.

You are further informed that your fee is initially fixed at Rs.5,000/- (Rupees five thousands only) payable by the petitioner.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Commissioner, Municipal Corporation of Vijayawada, Vijayawada, Krishna District **(BY RPAD)**
2. Mr. T. Jagan Mohan, Advocate, Bar Association, High Court of AP, Hyderabad **(BY SPECIAL MESSENGER – ALONG WITH A COPY OF WARRANT)**
3. One Spare Copy.

MSR

HIGH COURT

DATE: 30-12-2003

ORDER

W.P.No. 27125 of 2003

DIRECTION

HIGH COURT

DRAFTED BY: MSR
DRAFTED ON: 30-12-2003

AGRJ

DATE: 30-12-2003

ORDER

W.P.No. 27125 of 2003

DIRECTION